

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- September 22, 1965

Appeal No. 8351 Garfield I. Kass, Appellant.

The Zoning Administrator District of Columbia, Appellee.

On motion duly made, seconded and carried, with Mr. Scrivener abstaining, the following Order was entered at the meeting of the Board on December 22, 1965.

EFFECTIVE DATE OF ORDER -- March 17, 1966.

ORDERED:

That the appeal for variance from FAR and rear yard requirements of the C-3-A District to permit erection of a hotel and commercial stores at 4411 Connecticut Avenue, NW., parcels 57/90 and 57/91, near square 2045, be granted for the following reasons:

As a result of an inspection of the property by the Board, and from the records and the evidence adduced at the hearing, the Board finds the following facts:

(1) Appellant's lot which is located in a C-3-A District has a frontage on Connecticut Avenue, north of Yuma Street of 215.9 feet, a depth of 150 feet, and contains 32,385 square feet.

(2) The topographical map introduced at the hearing indicates that existing elevations range from a high of 225 feet at the southwest corner to a low of 174 at the rear, a drop of approximately 50 feet. Further, the severe topographical faults of the site are aggravated by the fact that the site has approximately 40 feet of fill over a substantial portion of its area and will require excavation below the original grade to reach solid buildable ground.

(3) Testimony of Mr. Edmund W. Dreyfuss, an architect, employed by the owner to design a building for the site indicated that studies had been made showing that a substantial portion of the site would have to be excavated approximately 50 feet.

(4) The architect further testified that it would not be economically feasible to construct a building on the site with the required rear yard and the required FAR of 3.0 because the topography of the rear yard would make it impossible to provide parking in the rear without building a structure over that area and the additional foundational costs due to soil conditions and topography would be \$175,000.

(5) Cost estimates presented at the hearing prepared by a builder bore out the architect's opinion.

(6) Maps and plats introduced at the hearing showed that the rear of the site abuts a Federal Park.

(7) Mr. Garfield Kass, the applicant testified that he had received many offers over the years to develop the site with various improvements among which were a chain store, a drug store, a bowling alley and office building, apartment house, department store and a motel. Studies made by all of the prospective lessees or purchasers indicated that the site could not be economically developed under the zoning regulations for any of the proposed uses.

OPINION:

The foregoing findings of fact in the opinion of the Board, conclusively prove that a hardship in fact exists that the amount of excess bulk needed to justify the investment in the building is not unreasonable, that the park in the rear will provide more than adequate light and air and will not itself be adversely affected by the elimination of the rear yard, and that construction of the building as planned will not prove to be in harmonious with the intent, purpose and integrity of the plan as embodied in the maps and regulations.